

CITY COUNCIL AGENDA

DECEMBER 14, 2004

AMENDED AGENDA

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**

8:00 a.m. Council Assistants Agenda Review, Room 204, City Hall

9:00 a.m. - Closed Session, Room 600, City Hall

[See Separate Agenda](#)

10:00 a.m. to Noon Special Meeting, Council Chamber, City Hall

12:00 a.m. to 1:30 p.m. – Break

1:30 p.m. - Regular Session reconvenes, Council Chambers, City Hall

7:00 p.m. - Public Hearings, Council Chambers, City Hall

General Plan Hearings, Council Chambers, City Hall

- **Invocation (Mayor)**

Reverend Joseph Leon, Pueblo de Dios Lutheran Church.

- **Pledge of Allegiance**

- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

***See New Item 1.5**, Presentation of a commendation to Reverend Tony Ortiz of California Youth Outreach for winning the California Peace Prize from the California Wellness Foundation. (Cortese)

TO BE HEARD IN THE EVENING

ADJOURNMENT: The meeting will be adjourned in memory of Katherine Boruff, Executive Director of PacSJ and wife of Paul Krutko, Director of Office of Economic Development, and in memory of Dwight "Doc" Near.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

- 1.1** Presentation of commendations to the members of the Independent Police Auditor Advisory Committee for their hard work and commitment to the San José community. (Mayor/Independent Police Auditor)
TO BE HEARD AT 1:30 P.M.
- 1.2** Presentation of Governor's Environmental and Economic Leadership Award, to the City of San Jose for the West Valley Branch Library. (LeZotte)
(Rules Committee referral 12/8/04)
* **TO BE HEARD AT 1:30 P.M.**
- 1.3** Presentation of a commendation to the Almaden Youth Association. (Dando)
(Rules Committee referral 12/8/04)
TO BE HEARD IN THE EVENING
- 1.4** Presentation of a commendation to the Silicon Valley/Central Coast Region of the American Cancer Society for its work in eradicating colon cancer from our communities. (Dando)
(Rules Committee referral 12/8/04)
* **TO BE HEARD AT 1:30 P.M.**
- 1.5** Presentation of a commendation to Reverend Tony Ortiz of California Youth Outreach for winning the California Peace Prize from the California Wellness Foundation. (Cortese)
(Orders of the Day)
* **TO BE HEARD IN THE EVENING**

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 Approval of Minutes.**
- 2.2 Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27303 - Granting a Commercial Solid Waste and Recyclables Collection Franchise to San José Conservation Corps.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd.)

- * (b) ORD. NO. 27307 – Rezones certain real properties situated in the Five Wounds-Brookwood Terrace Strong Neighborhood Initiative Area and generally bounded by East Santa Clara Street to the North 30th Street to the East, San Antonio Street and William Street to the South, and South 22nd Street to the West from LI Light Industrial and CP Pedestrian Commercial to CP Pedestrian Commercial and to R-2 Two-Family Residence Zoning Districts, all as more specifically described herein. C 04-039
- * (c) ORD. NO. 27308 – Rezones certain real property situated at the southwest corner of west Hedding Street and Coleman Street (879 Coleman Ave.) to A(PD) Planned Development Zoning District. PDC 04-053
- * (d) ORD. NO. 27309 – Rezones certain real property situated at the south side of San Antonio Street, approximately 27- feet easterly of King Road to A(PD) Planned Development Zoning District. PDC 04-052

2.3 Approval of Sales and Business Tax Audit Results Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report on Sales Tax Audit Results for the Quarter Ended September 30, 2004*. (City Auditor)

2.4 Approval of continuation agreement for consultant services for cable television matters.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a Continuation Agreement with Miller & Van Eaton, L.L.P. for consultant services related to cable television franchise renewal matters, extending the term through December 1, 2005, and increasing the amount of total compensation by \$200,000, to a total amount not to exceed \$575,000. (City Attorney's Office)

2.5 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Mayfair Streetlights Project (PSM 359#2) and the Traffic Communication at McLaughlin Avenue Project (PSM 389) with a net impact to the fund of \$60,819. CEQA: Not a Project. Council Districts 5 and 7. SNI: Mayfair, Tully/Senter. (City Manager's Office)

2 CONSENT CALENDAR

2.6 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Gateway East Sanitary Sewer Improvements Project (PSM 387) with a net impact to the fund of \$350,000.
- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Gateway East Sanitary Sewer Improvements Project, as more specifically described in the memorandum from the Redevelopment Agency, dated October 13, 2004.

CEQA: Not a Project. Council District 5. SNI: Gateway East. (City Manager's Office)

2.7 Approval of an extension of a consultant agreement with GLS Research.

- * **Recommendation:** Approval of the sixth amendment to the consultant agreement with GLS Research for public outreach to multi-family properties for the Recycle Plus Program, to extend the term of service by six months from December 31, 2004 to June 30, 2005, at no additional cost to the City for support outreach to multi-family dwelling property managers and residents. CEQA: Not a Project. (Environmental Services)

2.8 Approval of an agreement for consultant services in connection with the International Disposal Corporation disposal agreement.

Recommendation: Approval of a third amendment to the agreement with Camp Dresser & McKee, Inc., for consultant services in connection with the solid disposal agreement with International Disposal Corporation, increasing the compensation by \$50,000, for a total not to exceed \$150,000, and extending the term of the agreement by twelve months from January 1, 2005 to December 31, 2005. CEQA: Not a Project. (Environmental Services)

2.9 Approval of action for community improvement activities for the collection and maintenance of Public Litter Cans.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a project approval form pursuant to the FY 2004-05 Master Agreement between the City of San José and the San José Conservation Corps (SJCC) to carry out community improvement activities for the collection and maintenance of approximately 800 Public Litter Cans for the period November 1, 2004 through June 30, 2005 for a not to exceed amount of \$100,000. CEQA: Negative Declaration and Addenda thereto, PP92-05-098 and PP04-278. (Environmental Services)

2 CONSENT CALENDAR

2.10 [Approval of an agreement for South Bay Water Recycling Tank Project.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to execute a continuation agreement for consultant services between the City of San José and Brown and Caldwell, subject to the concurrence of the Treatment Plant Advisory Committee, to continue the term of the agreement for two years from December 31, 2004 to December 31, 2006, and allow an increase in the consultant's hourly rates, at no additional cost to the City. CEQA: Resolution No. 64667. (Environmental Services)

2.11 [Approval of an agreement for consulting services for South Bay Water Recycling Program.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to execute the continuation agreement for consultant services between the City of San José and Raines, Melton & Carella, Inc. (RMC), subject to the concurrence of the Treatment Plant Advisory Committee (TPAC), to extend the term of the agreement for two years from December 31, 2004 to December 31, 2006 and allow increase in the consultant's hourly rates, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

2.12 [Approval of open purchase orders for the purchase of supplies, materials, equipment and services.](#)

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #6 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

2.13 [Approval of a Memorandum of Agreement for the exchange of Motorola portable radios.](#)

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute a Memorandum of Agreement with Motorola C & E, Inc. regarding the exchange of 888 Motorola portable radios. CEQA: Not a Project. (General Services)

2.14 [Approval to amend the lease for retail space adjacent to the Susan and Phil Hammer Theatre.](#)

Recommendation: Approval of an amendment to the lease between the City of San José and Hawks Seafood Bar for Tenant's use of 5,070 sq. ft. of retail space adjacent to the Susan and Phil Hammer Theatre at 150 Paseo de San Antonio changing the Landlord under said agreement from the Redevelopment Agency of the City of San José to the City of San José and reducing the monthly base rent from \$9,695.22 to \$4,000 and restructuring the percentage rent so that it applies to those revenues in excess of \$100,000 per month. Council District 3. CEQA: Not a Project. (General Services)

2 CONSENT CALENDAR

2.15 [Approval to amend the lease for use of City-owned land on the northwest corner of the intersection of Story and King Roads.](#)

Recommendation: Approval of an amendment to the lease between the City of San José and Shell Oil Company/Equilon Enterprises LLP for use of City-owned land on the northwest corner of the intersection of Story and King Roads, to extend the term of the lease by an additional five years, to reduce the area being leased by approximately 870 sq. ft., and to increase the rent from \$5,604.00 to \$6,000 per month. Council District 5. CEQA: Mitigated Negative Declaration, CP03-030. (General Services)

2.16 [Approval of an agreement for maintenance and support of existing Lifepak and Cardiac Monitors.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement with Medtronic Incorporated for the maintenance and support of existing Lifepak 12 and Lifepak 500 Cardiac Monitors (defibrillators) in an amount not to exceed \$170,256. CEQA: Not a Project. (General Services)

2.17 [Approval to restructure agreement with Neighborhood Housing Services Silicon Valley.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of Housing to negotiate and execute:
- (a) Amendments to the *HomeVenture Fund* grant agreement with Neighborhood Housing Services Silicon Valley (NHSSV) to:
 - (1) Reduce the maximum City contribution from \$5,200,000 to \$4,900,000.
 - (2) Permit \$350,000 of the proposed remaining \$4,900,000 of *HomeVenture Fund* to be utilized for Homeownership Center operations.
 - (b) An agreement, in an amount not to exceed \$30,000, with NHSSV for reservation of American Dream Downpayment Initiative (ADDI) funds, which includes assistance in marketing of the program, the qualifying and selection of the borrowers, and the processing of the City loans.
 - (c) Authorizing the Director of Housing to execute all necessary documents.
- CEQA: Not a Project. (Housing)

2.18 [Approval of actions to grant donor recognition in public libraries.](#)

- * **Recommendation:** Adoption of a resolution authorizing the Director of the Library Department to grant donor recognition in public libraries for periods in excess of one year. CEQA: Not a Project. (Library)

2 CONSENT CALENDAR

2.19 Approval of actions related to park improvements for Flickinger Park.

* **Recommendation:**

- (a) Adoption of the following appropriation ordinance amendments in the Park Trust Fund:
 - (1) Establish an appropriation in the amount of \$203,000 to the Department of Parks, Recreation and Neighborhood Services for the Flickinger Park Improvements project;
 - (2) Decrease the Reserve: Future PDO/PIO Projects in the Park Trust Fund by \$203,000;
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a First Amendment to the Parkland Agreement for Tentative Map No. PT 03-051, between the City of San José and Pulte Home Corporation, to add a City contribution to complete the sports field improvements on the parksite in an amount not to exceed \$145,800.
- (c) Accept this memorandum as the completed response to the Council referral relating to the use of the sports field at Flickinger Park.

CEQA: Mitigated Negative Declaration, PDC 03-038. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

2.20 Approval of grant agreements for service providers to implement the Blueprint Implementation Pilot Program.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute grant agreements with the service providers implementing the third year of the Blueprint Implementation Pilot Program - the School Community Innovation and Cooperation Program, for a total amount not to exceed \$325,000. CEQA: Not a Project. Council Districts 3 and 8. SNI: Washington/Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services)

2.21 Approval of various actions related to the operations and maintenance of Rancho del Pueblo Golf Course.

* **Recommendation:**

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an extension of the Operations and Maintenance Agreement between San José Golf, L.L.C. and the City of San José for operations and maintenance of Rancho del Pueblo Golf Course for a term of up to 24 months, with the fixed management fee of \$17,729.42 per month; and
- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Municipal Golf Course Fund as follows:
 - (1) Increase the Operating Expenses appropriation by \$80,142; and
 - (2) Increase the Earned Revenue estimate by \$80,142.

CEQA: Not a Project. Council District 5. SNI: East Valley/680 Communities. (Parks, Recreation and Neighborhood Services/City Manager's Office)

2 CONSENT CALENDAR

2.22 Approval of actions for the McKean Road Sports Complex.

* **Recommendation:**

(a) Adoption of a resolution authorizing the City Manager to negotiate and execute a First Amendment to the agreement with RBF Consulting for environmental consultant services for the McKean Road Sports Complex, increasing the compensation by \$20,194 to \$314,194.

(1) Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10:

(a) Establish an appropriation in the amount of \$20,194 to the Department of Planning, Building and Code Enforcement for the preparation of the McKean Road Sports Complex EIR; and

(b) Decrease the Ending Fund Balance by \$20,194.

CEQA: Exempt, PP 03-02-057. (Planning, Building and Code Enforcement/City Manager's Office)

(b) [Adoption of a resolution authorizing the City Manager to negotiate and execute a third amendment to the Memorandum of Understanding \(MOU\) between the City of San José and San José Unified School District \(SJUSD\) regarding the recreational sportsfield use of certain property in the South Almaden Urban Reserve, extending the term of the MOU to April 22, 2005 to allow the City to continue to move forward with the negotiation of terms and conditions for the planning, design, development, use and operation of the property associated with the development of the proposed McKean Road Sports Complex play fields. \(Parks, Recreation and Neighborhood Services/City Manager's Office\)](#)

(c) [Adoption of the following appropriation ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #10:](#)

(a) Increase the McKean Road Youth Sports Complex project by \$550,000.

(b) Decrease the Reserve: Future Parksites Acquisition and Development appropriation by \$550,000.

CEQA: McKean Road Sports Complex Final EIR. (City Manager's Office)

2.23 [Adoption of a resolution ordering the reorganization and annexation of territory designated as Franklin No. 52.](#)

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Franklin No. 52, which involves the annexation to the City of San José of 3.37 acres of land more or less, located on the north side of Umbarger Road approximately 1,200 feet west of Senter Road and adjacent to the City of San José annexations Franklin Nos. 2, 4, 32, and 44, and the detachment of the same from Central Fire Protection, Area No. 01 (Library Services) County Services, and County Sanitation District 2-3. CEQA: Mitigated Negative Declaration (Pre-zoning File No. PDC04-054). Council District 7. (Planning, Building and Code Enforcement)

* **TO BE HEARD AT 1:30 P.M.**

2 CONSENT CALENDAR

2.24 [Approval of fiscal actions for the Fiscal Year 2004-05 Congressionally Mandated Award.](#)

Recommendation: Adoption of the following amendments to the annual appropriation ordinance and the funding sources resolution in the General Fund (Fund 001) as follows:

- (a) Establish a City-wide appropriation to the Police Department for the Fiscal Year 2004-05 Congressionally Mandated Award in the amount of \$98,948;
- (b) Increase the Earned Revenue Estimate from Federal Government by \$98,948.

CEQA: Not a Project. (Police/City Manager's Office)

2.25 [Approval of actions for advocacy and after-care services for Domestic Violence victims.](#)

* **Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Execute a consultant agreement with Next Door Solutions to Domestic Violence to provide domestic violence advocacy and after-care services for the initial period of December 1, 2004 through November 30, 2005 in the amount not to exceed \$123,080;
- (b) Exercise the first one-year option for the period of December 1, 2005 through November 30, 2006 in the amount not to exceed \$149,432 subject to the annual appropriation of funds; and
- (c) Exercise the second one-year option for the period of December 1, 2006 through November 30, 2007 in the amount not to exceed \$153,915 subject to the annual appropriation of funds.

CEQA: Not a Project. (Police)

2.26 [Approval to award a contract for the Avenida Espana Play Lot Addition Project.](#)

[Supplemental](#)

Recommendation:

- (a) Report on bids and award of contract for the Avenida Espana Play Lot Addition Project to the lowest responsive bidder, ESR Construction, Inc., in the amount of \$194,187, and approval of a contingency in the amount of \$10,000.
- (b) Adoption of the following appropriation ordinance and funding sources resolutions amendments in the Council District 2 Construction and Conveyance Tax Fund:
 - (1) Increase the appropriation to the Department of Parks, Recreation and Neighborhood Services for the Avenida Espana Play Lot Addition Project in the amount of \$270,000;
 - (2) Increase the Earned Revenue estimate by \$240,000;
 - (3) Decrease the Ending Fund Balance by \$30,000.

CEQA: Exempt, PP04-03-060. Council District 2. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

2 CONSENT CALENDAR

2.27 [Approval of an agreement for Fire Station No. 25.](#)

Recommendation: Approval of an agreement with BFGC Architects and Planners Inc. for architectural design services for Fire Station No. 25, located near the intersection of Wilson Way and Grand Avenue from the date of execution to March 1, 2007, in the amount of \$309,000. CEQA: Not a Project. Council District 4. (Public Works)

2.28 [Approval to amend an agreement for consultant services for interceptors.](#)

Recommendation: Approval of the first amendment to the agreement with Harris and Associates for consultant services for the 84-inch RCP Interceptor and 60-inch Brick Interceptor Phase 6B, extending the term of the agreement from December 31, 2004 to June 30, 2006, with no increase in the amount of the original agreement. CEQA: Exempt, PP 02-05-114. Council District 4. (Public Works)

2.29 [Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2004-05.](#)

Recommendation: Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2004-05 in the amount of \$152,000. CEQA: Not a Project. (Transportation)

2.30 [Approval of fiscal actions for Redevelopment Agency Capital Projects.](#)

[Supplemental](#)

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the 3rd and 4th Streets Couplet Conversion Phase II Project (PSM 394) with a net impact to the fund of \$1,757,000. CEQA: Negative Declaration and addenda thereto, File No. PP02-05-115 and PP04-293. Council District 3. SNI: 13th Street. (City Manager's Office)
(Rules Committee referral 12/8/04)

2.31 [Approval of Council Appointee salary recommendations.](#)

Recommendation: Approval of Council Appointee salary recommendations. (Mayor)
(Rules Committee referral 12/8/04)

2 CONSENT CALENDAR

2.32 Approval of actions for the Almaden Branch Library and Community Center.

Recommendation:

- (a) Approval of additional architectural, engineering and public outreach services for the Almaden Branch Library and Community Center in the amount of \$100,000 to recognize Doris Dillon.
- (b) Adoption of the following appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District 10:
 - (1) Increase the Council District 10 Public Art appropriation by \$100,000.
 - (2) Decrease the Ending Fund Balance by \$100,000.

CEQA: Mitigated Negative Declaration PP02-10.309. (Office of Cultural Affairs/City Manager' Office)

(Rules Committee referral 12/8/04)

2.33 Acceptance of the Annual Progress Report on the Implementation of the Housing Element.

Recommendation: Acceptance of the Annual progress Report on the Implementation of the Housing Element. CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Rules Committee referral 12/8/04)

2.34 **Appointment of the Independent Police Auditor**

Recommendation: Adoption of a resolution approving an agreement for the appointment of Barbara Attard as Independent Police Auditor in accordance with the City Charter, setting the salary of the Independent Police Auditor and authorizing the City Clerk to execute the agreement. (Mayor)

(Rules Committee referral 12/8/04)

3 STRATEGIC SUPPORT SERVICES

3.1 **Report of the Study Session** **Mayor Gonzales, Chair**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – December 1, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review December 12, 2004 Draft Agenda
 - (2) Add New Items to December 7, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (2) Federal
- * (d) Meeting Schedules
 - (1) January 27, 2004 City Council Ethics Training
 - (2) January 31, 2004 Budget Study Session
 - (3) February 15, 2004 Joint City Council/Santa Clara Valley Water District Annual Meeting
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
- (h) Oral communications
- (i) Adjournment

* Report of the Rules Committee – December 8, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review January 11, 2005 Draft Agenda
 - (2) Add New Items to December 14, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - Request for one-week turn-around for the December 8, 2004 Rules Committee Report.
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) 2004 State Legislative Summary

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – December 8, 2004 (Cont'd.)

- * (d) Meeting Schedules
 - (1) January 27, 2004 City Council Ethics Training
 - (2) January 31, 2004 Budget Study Session
 - (3) February 15, 2004 Joint City Council/Santa Clara Valley Water District Annual Meeting
- (e) The Public Record
 - None filed.
- (f) Appointment to Boards, Commissions and Committees
 - (1) Recommendation to Re-Open and Extend Mobile Home Advisory Commission Recruitment
 - (2) Appointment to the Community Development Block Grant Committee
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Travel Funding Approval
 - (2) Fraud Hotline Status Report
- (h) Oral communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair

3.4 Council review and discussion of An Audit of the City Manager's Reforms.

Recommendation: Acceptance of the City Auditor's report, An Audit of the City Manager's Reforms. (City Auditor)

3.5 Report of the Independent Investigator on the RFP process for the Converged Data Network and Telephony System for the New City Hall.

- * **Recommendation:** Acceptance of the Findings and Recommendations of the Independent Investigator. (Independent Investigator)
RECOMMEND DEFERRAL TO 1/11/05

3 STRATEGIC SUPPORT SERVICES

3.6 [Approval to extend the Military Benefits eligibility for City employees called to active military duty.](#)

[Memo from the Mayor and Councilmember Reed](#)

[Memo from Alex Gurza and Scott P. Johnson](#)

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Recommendation:

- (a) Adoption of a resolution extending the enhanced military leave program to City employees who are called to active military duty during the period from January 1, 2003 to December 31, 2005, for reasons related to terrorist attacks or impending or actual armed conflict. (These eligible employees will receive supplemental pay and benefits for the entire time of active duty pursuant to Council action on December 16, 2003.)
 - (b) That, as part of the resolution, the City Council continue to delegate authority to the City Manager or designee to sign agreements with the eligible employees detailing the requirements for those employees who apply to receive the supplementary benefits as outlined in the resolution.
- (City Manager's Office/Finance)

3.7 [Approval of actions for the Emergency Communication System Support Fee Status Report.](#)

Recommendation:

- (a) Acceptance of the Emergency Communication System Support Fee Status Report.
 - (b) Approval of an ordinance amending Section 8.20.140 of Chapter 8.20 of Title 8 of the San José Municipal Code to clarify that the annual fee cap of \$20,000 per "service Location" applies when one or more parcels of real property are under the common control of a single person or entity, so long as the parcels are contiguous or separated only by public streets or rights of way.
- (City Manager's Office/Finance/Police/Fire)

3.8 [Approval of an ordinance setting forth requirements for certain Design Build contracts.](#)

[Supplemental](#)

Recommendation: Approval of an ordinance adding a new Chapter 14.07 to Title 14 of the San José Municipal Code to set forth procedures for implementing the Charter provision exempting from competitive bidding certain "design-build" contracts for the design and construction of public works. CEQA: Not a Project. (City Manager's Office/Public Works/City Attorney's Office)

3.9 [Approval of the annual City of San José Investment Policy.](#)

[Supplemental](#)

Recommendation: Adoption of a resolution approving the annual City of San José Investment Policy including certain revisions thereto. CEQA: Not a Project. (Finance).

3.10 [Approval of actions related to the American GI Forum of San José.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the Loan Agreement ("Agreement") among the American GI Forum of San José ("GI Forum"), the City of San José ("City"), and the County of Santa Clara ("County") to modify terms and extend the maturity date of the loan in the amount of \$4,000,000 to June 30, 2005 with additional options for the City if not paid by that date. CEQA: Not a Project. (Finance)

3.11 [Approval of various actions related to the New City Hall Parking Garage equipment.](#)

Recommendation: Adoption of a resolution:

- (a) Authorizing the Director of General Services to negotiate and execute an Amendment to the Agreement with Scheidt and Bachmann USA, Inc. (S&B) to increase the scope of services to include the purchase of a Parking Access and Revenue Control System (PARCS) for the New City Hall Parking Garage in an amount not to exceed \$250,000 including delivery, installation, training, tax, and the first year of maintenance and warranty; and
- (b) Finding under Section 3400 of the Public Contracts Code that there is a need for the New City Hall Off-Site Parking Garage Project to match PARCS equipment currently utilized in other City owned downtown parking facilities, and thereby authorizing the Director of Public Works to include a proprietary specification for Scheidt and Bachmann USA, Inc. PARCS in the specifications for the construction of the New City Hall Off-Site Garage.

CEQA: Not a Project. Council District 3. (General Services/Transportation/Public Works)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair

4.2 [Report of the Driving a Strong Economy Committee](#) – November 29, 2004
Council Member Williams, Chair

- * (a) Economic Development Strategy Update
- (b) Proposed Revisions to the Parkland Dedication Ordinance and Park Impact Ordinance
- (c) Secondary Units
- (d) Oral Petitions
- (e) Adjournment

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of actions for the Fourth Street Parking Garage Banquet Center.

- * **Recommendation:** Approval to reject all proposals and adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Light Tower Associates, L.P., otherwise known as the Fairmont Hotel as the exclusive contractor to provide catering management services at the Fourth and San Fernando Streets Parking Garage Banquet Center, for a term of two years, with the option of up to three additional two-year terms at the City's discretion, commencing on or about March 1, 2005, with a fee paid to the City, over the life of the two-year Agreement. CEQA: Not a Project (Economic Development)

4.4 Approval of various actions related to the renovation of the Poco Way Housing Project.

Recommendation: Adoption of a resolution authorizing:

- (a) The Housing Department to make a loan commitment to the Housing Authority of Santa Clara County, or its designated affiliate or assignee, of up to \$709,000 for rehabilitation of 65 multi-family residential units at 1900 Poco Way; and
- (b) An amendment of the Affordability Restriction to increase the number of affordable units by one unit and to extend the effective term to fifty-five years from the completion date of the rehabilitation work.

CEQA: Exempt, File No. PP04-317. Council District 5. SNI: East Valley/680 Communities. (Housing)

4.5 **Approval of actions related to acquisition of a property by eminent domain.**

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of a surface parking lot easement on a portion of vacant land owned by Pacific Gas and Electric;
- (b) Finding that:
 - (1) The property interest to be acquired is necessary for the completion of additional parking spaces for the new Cambrian Library;
 - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least injury to the property owner;
 - (3) City staff established an amount of just compensation of the full amount of the approved appraisal with an adjustment for relief of maintenance;
 - (4) City staff made an offer to the owner for the full appraised amount with an adjustment for relief of maintenance; and
 - (5) The proposed taking and use are authorized by law;
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interest.

CEQA: Exempt, PP04-319. Council District 9. (Public Works/Library)

RECOMMEND DEFERRAL TO 1/11/05

5 RECREATION & CULTURAL SERVICES

- 5.1 **Report of the All Children Achieve Committee**
Council Member Yeager, Chair

- 5.2 [Approval of the revised Festival, Parade and Celebration Grant Program Guidelines.](#)

Recommendation: Approval of the revised Festival, Parade and Celebration Grant Program Guidelines under City Council Policy 5-2, to be implemented in the 2005-06 grant cycle. CEQA: Not a Project. (Office of Cultural Affairs)

6 TRANSPORTATION SERVICES

- 6.1 **Report of the Building Better Transportation Committee**
Council Member Cortese, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.1 [Approval to amend an agreement for a pipeline in Coleman Avenue.](#)

Recommendation: Adoption of a resolution authorizing the City Manager to execute a second amendment to the agreement between the City and VTA, upon concurrence of the Treatment Plant Advisory Committee (TPAC), to increase the compensation payable by the City to the VTA by \$592,250, from \$1,500,000 to a total not to exceed amount of \$2,092,250 for construction of approximately 1,750 linear feet of 20-inch recycled water pipeline in Coleman Avenue. CEQA: Resolution No. 71448, PP03-02-071. (Environmental Services)

- 7.2 [Approval to amend the Recycle Plus Integrated Waste Management Services Agreement.](#)

* **Recommendation:** Approval of a second amendment to the Recycle Plus Integrated Waste Management Services Agreement with Norcal Waste Systems of San José, Inc. (Environmental Services/City Manager's Office/City Attorney's Office)
CEQA: Not a Project.
RECOMMEND DEFERRAL

7 ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval to amend an agreement for Recycle Plus Integrated Waste Management Services.

[Supplemental](#)

- * **Recommendation:** Approval of the third amendment to the agreement with GreenTeam of San José for Recycle Plus Integrated Waste Management Services, to convert the successful compostable pilot program at multi-family properties into a permanent ongoing service, at no additional cost to the City. CEQA: Negative Declaration, PP92-05-98. (Environmental Services)
(Deferred from 12/7/04 – Item 2.3)

8 AVIATION SERVICES

8.1 [Approval of assignment and assumption of agreements for the Airport.](#)

[Supplemental](#)

Recommendation:

- (a) Adoption of a resolution granting conditional consent to an assignment from San José Jet Center, Inc., to Jet Center Property Services, LLC of the Fixed Base Operator (FBO) Ground Lease of Parcels W-10, W-11 and W-12 at the Norman Y. Mineta San José International Airport.
- (b) Adoption of a resolution granting conditional consent to a sublease between Jet Center Property Services, LLC and SJJC FBO Services, LLC of a portion of the San José Jet Center premises at the Airport consisting of hangar and tarmac areas for general aviation support and service, including aircraft maintenance and refueling services, overnight parking, and related office use.
- (c) Adoption of a resolution granting conditional consent to an assignment from San José Jet Center, Inc. to SJJC Airline Services, LLC of the Lease of Airport Premises for office space located at 1455 Airport Boulevard and for ramp space located at 1311 Airport Boulevard.
- (d) Adoption of a resolution granting conditional consent to an assignment from ACM Aviation, Inc. to SJJC Aviation Services, LLC of the following Agreements:
 - (1) FBO Ground Lease of Parcel 9C at the Airport;
 - (2) Lease Of Airport Premises for hangar space located at 1475 Airport Boulevard;
 - (3) Lease Of Airport Premises for employee vehicle parking located at 1455 Airport Boulevard.

CEQA: Resolution Nos. 67380 and 71451, PP 04-322. (Airport)

8.2 Approval of an agreement for the Airline Maintenance Facility Project.

- * **Recommendation:** Approval of a master agreement with Carter & Burgess, Inc. for architectural consultant services for the Airline Maintenance Facility Project in an amount not to exceed \$750,000, from November 30, 2004 to December 31, 2007.
CEQA: Resolution Nos. 67380 and 71451, PP 04-292. (Public Works/Airport)
(Deferred from 11/30/04 – Item 8.1 and 12/7/04 – Item 8.3)

8 AVIATION SERVICES

8.3 [Approval of various actions for the Airport Master Plan.](#)

[Supplemental](#)

- * **Recommendation:** Approval of the following policy direction in the development of the Airport's North Concourse Concession Program:
- (a) A single prime operator for the food and beverage element of the North Concourse.
 - (b) One or two prime operators for the retail portion of the North Concourse.
CEQA: Not a Project. (Airport)
- (Deferred from 11/16/04 – Item 8.1(b) et al, and 12/7/04 – Item 8.4)

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9658	S/W corner Aborn Rd. & Silver Creek Road	7	Barry Swenson Builder	3 Lots	Retail
9630	S/E corner Neal Ave. & Winchester Blvd.	6	American Equity Builders, Inc.	21 Lots	Single Family

- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion. Following Open Forum, Council will recess until 7:00 p.m.

11 PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on a Conventional Rezoning located at/on the west side of North White Road, approximately 300 feet south of McKee Road.

- * **Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conventional Rezoning from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District, to allow commercial/ retail uses on a 1.29 gross acre site, located at/on the west side of North White Road, approximately 300 feet south of McKee Road (253 N. White Rd.). (Rumi Group, LLC, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

C04-083 - District 5

(Continued from 12/07/04 – Item 11.3)

TO BE HEARD AFTER 12.1(b)(1). ACTION TO BE TAKEN UNDER 12.1(b)(2)

11.2 Public Hearing on Planned Development Rezoning, Planned Development Permit, and Tentative Map of the property located on the south side of Murphy Avenue, 450 westerly of Ringwood Avenue from A Agriculture District to A(PD).

- * **Recommendation:**
- (a) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located on the south side of Murphy Avenue, 450 westerly of Ringwood Avenue, from A Agriculture District to A(PD) Planned Development Zoning District to allow single-family detached residential units. (Silicon Valley Habitat for Humanity, Inc., Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PDC 04-071 - District 4
 - (b) Public Hearing on and consideration of adoption of a resolution on Planned Development Permit of the property located on the south side of Murphy Avenue, 450 westerly of Ringwood Avenue, for the construction of three single-family detached residential units. (Silicon Valley Habitat for Humanity, Inc., Owner) CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PD 04-061 - District 4
 - (c) Public Hearing on and consideration of adoption of a resolution on Planned Tentative Map Permit of the property located on the south side of Murphy Avenue, 450 westerly of Ringwood Avenue, to reconfigure one parcel into three lots for single-family detached residential purposes. (Silicon Valley Habitat for Humanity, Inc., Owner) CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PT 04-081 - District 4

11 PUBLIC HEARINGS

11.3 Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located on the southwest corner of Murphy Avenue and Ringwood Avenue, in the A Agriculture Zoning District to A(PD).

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Recommendation:

- (a) Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning of the property located on the southwest corner of Murphy Avenue and Ringwood Avenue, in the A Agriculture Zoning District on a 0.16-acre site to A(PD) Planned Development Zoning District, to allow two single-family detached residential units. Silicon Valley Habitat for Humanity, Inc., Owner) CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PDC 04-072 - District 4
- (b) Public Hearing on and consideration of adoption of a resolution on Planned Development Permit of the property located on the southwest corner of Murphy Avenue and Ringwood Avenue, in the A Agriculture Zoning District on a 0.16-acre site, to allow the construction of two single-family detached residential units. Silicon Valley Habitat for Humanity, Inc., Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PD 04-062 - District 4
- (c) Public Hearing on and consideration of approval of an ordinance on Planned Tentative Map of the property located on the southwest corner of Murphy Avenue and Ringwood Avenue, in the A Agriculture Zoning District on a 0.16-acre site, to reconfigure one parcel into two lots for single-family detached residential purposes. Silicon Valley Habitat for Humanity, Inc., Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2).
PT 04-080 - District 4

11.4 **Public Hearing on adoption of a resolution on Planned Development Rezoning of the property located at 840 N. 15th Street.**

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Recommendation: Public Hearing on and consideration of approval of an ordinance and adoption of a resolution on Planned Development Rezoning from R-2 Two-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 2 existing single-family detached residences and associated Planned Development Permit to Effectuate the proposed rezoning on a 0.23 gross acre site, located at 840 N. 15th Street (Kalbali Ali A., Owner). SNI: 13th Street. CEQA: Exempt.
PDC04-044 & PD04-031 - District 3
RECOMMEND CONTINUANCE TO 01/25/05

11 PUBLIC HEARINGS

11.5 Public Hearing on a Conforming Planned Development Rezoning to allow minor modifications of the development standards.

- * **Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow minor modifications of the development standards related to front setbacks, noise and soils mitigation for a previously approved 425 unit residential development within the Communications Hill Planned Residential Community (Dairy Hill) on a 60.2 gross acre site, located on the south side of Curtner Avenue approximately 750 feet easterly of Highway 87 (Taylor Woodrow Homes Inc., Owner; Summerhill Construction, Developer). CEQA: Mitigated Negative Declaration, File No. PDC 97-043 and addenda thereto, File No. PDC 04-078. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC04-078 - District 7

11.6 Public Hearing on a Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District of the property located at 332 South Cypress Avenue.

- * **Recommendation:** Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning District to allow up to four single-family detached residential units on a 0.23 gross acre site, located at the east side of Cypress Avenue approximately 260 feet southerly of Stevens Creek Boulevard (332 South Cypress Avenue) (Mirzadegan Abdy et al, Owner; Abdy Mirzadegan, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1)
PDC04-046 - District 1

11.7 Public Hearing on a Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District of the property located at 500 Tully Road.

Attachment A

- * **Recommendation:** Public Hearing on and consideration of approval of an ordinance on Conforming Planned Development Rezoning from A(PD) Planned Development Zoning District which currently allows 501 multi-family and 60 single-family attached units to A(PD) Planned Development Zoning District to allow 501 multi-family attached and 43 single-family detached units on a 11.4 gross acre site, located at 500 Tully Road (Santa Clara County, Owner; Housing Authority of Santa Clara, Roem Development Corporation, Developers). CEQA: Resolution No. 71359. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.
PDC04-076 – District

11.8 *Number not used.

11 PUBLIC HEARINGS

11.9 Public Hearing on a Conservation Area Designation request.

- * **Recommendation:** Public Hearing on and consideration of adoption of a resolution approving a Conservation Area Designation request to designate as a Conservation Area the area approximately bounded by the rear of properties on Balbach Street to the north, the rear of properties on South Market to the East, Highway 280 to the south, and Almaden Avenue to the west on a 10.5 acre site. (Various Owners/City of San José, Applicant). CEQA: Exempt. SNI: Market/Almaden. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).
CA04-001 - District 3
(Continued from 12/7/04 – Item 11.8)

12 GENERAL PLAN PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 12.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 12.1) and considered separately.

CONTINUATION OF DECEMBER 7, 2004 GENERAL PLAN HEARING

12.1 Tentative Approval of General Plan Consent Calendar items.

- * **Recommendation:**
 - (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located at the southwest corner of North Capitol Avenue and Autumnvale Avenue on a 4.01-acre site. (Autumnvale Associates, Owner/Stephen Carmichael, Applicant).
GP04-04-04 - District 4
DROP AND RENOTICE.

12 GENERAL PLAN HEARINGS

12.1 Tentative Approval of General Plan Consent Calendar items. (Cont'd.)

* **Recommendation:**

- (b) Public Hearing on and consideration of tentative approval of the following items located at the west side of North White Road and 300 feet south of McKee Road (253 and 271 North White Road) on a 1.38-acre site (Ali Kalbali, Owner/Applicant).
- (1) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential designation (8 DU/AC) to Neighborhood/Community Commercial. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of Neighborhood/Community Commercial (7-0-0).
GP04-05-04 - District 5
- (2) PUBLIC HEARING ON CONVENTIONAL REZONING from R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District to allow commercial/retail uses. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of CP Commercial Pedestrian Zoning District to allow commercial/retail uses. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of CP Commercial Pedestrian Zoning District to allow commercial/retail uses. (7-0-0).
C04-083 - District 5
[Continued from 12/7/04 – Item 12.1(j)]
- (c) [Public Hearing on and consideration of tentative approval of General Plan](#) amendment request to change the Land Use/Transportation Diagram designation from Industrial Park with Mixed Industrial Overlay to High Density Residential (25-50 DU/AC) for property located on the southeast corner of Senter Road and Needles Drive (1870 and 1888 Senter Road) on a 6.21-acre site. (DDD Partners, Owner/Henry Cord, Applicant). SNI: Tully/Senter. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of High Density Residential (25-50 DU/AC) on a 6.21-acre site (7-0-0).
GP03-07-09 - District 7
[Continued from 12/7/04 – Item 12.1(k)]

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Tentative Approval of General Plan Consent Calendar items (Cont'd.)

Recommendation:

- (d) [Public Hearing on and consideration of tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to General Commercial for property located on the north side of Story Road \(915 Story Road\) approximately 720 feet southwesterly of McLaughlin Avenue on a 19.59-acre site. \(Hewlett-Packard, Owner/Jerry Strangis, Applicant\). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of General Commercial on a 19.59-acre site \(7-0-0\) GP03-07-10 - District 7](#)
[Continued from 12/7/04 – Item 12.1(l)]
- (e) **HEARD AS ITEM 12.1(b); PREVIOUSLY NUMBERED PER AGENDA**
- (f) **HEARD AS ITEM 12.1(c); PREVIOUSLY NUMBERED PER AGENDA**
- (g) **HEARD AS ITEM 12.1(d); PREVIOUSLY NUMBERED PER AGENDA**

12.2 [Public Hearing on tentative approval of the General Plan amendment located on the northeasterly side of Campbell Avenue, approximately 1,000 feet northwesterly of Newhall Street \(1180-1184 Cambell Avenue\) on a 7.6-acre site.](#)

- * **Recommendation:** Public Hearing on and consideration of tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to Medium High Density Residential (12-25 DU/AC) for property located at the intersection of Newhall Street and Campbell Avenue (northwest corner) on a 7.8-acre site. (MMAD Investments, Owner/Santa Clara Development Co., Applicant) CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends High Density Residential (25-50 DU/AC) and Planning Commission recommends approval of Medium High Density Residential (12-25 DU/AC) (4-2-1; Levy and Zito opposed; Platten absent).
[GP04-03-02 - District 3](#)

12.3 [Public Hearing on tentative approval of the General Plan amendment for property located at the intersection of Newhall Street and Campbell Avenue on the northeasterly side of Campbell Avenue and the northwesterly side of Newhall Street on a 10.2-acre site \(1120 Campbell Avenue\).](#)

- * **Recommendation:** Public Hearing on and consideration of tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from Light Industrial to High Density Residential (25-50 DU/AC) for property located at the intersection of Newhall Street and Campbell Avenue (northwest corner) on a 10.2-acre site. (The Gahrahmat Family Limited Partnership, Owner/Pulte Home Corp., Applicant). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of High Density Residential (25-50 DU/AC) on a 10.2-acre site (4-3-0); Levy, Zito, Pham opposed).
[GP04-03-03 - District 3](#)

12.4 Public Hearing on tentative approval of the following items located on a segment of South 7th Street from Highway 280 to Keyes Street (City of San Jose, Owner/Applicant). SNI: Spartan/Keyes.

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Recommendation:

- (a) Public Hearing on and consideration of tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation from a four-lane Major Collector to a two-lane Major Collector along this segment of South 7th Street. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of a General Plan Amendment to redesignate a segment of South 7th Street, from Highway 280 to Keyes Street from Major Collector 4 lanes to Major Collector 2 lanes (7-0-0).
GP04-03-04 - District 3
- (b) Public Hearing on and consideration of tentative approval of General Plan text amendment request to change Appendix E of the General Plan Text to be consistent with the amendment to the Land Use/Transportation Diagram. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval to change Appendix E of the General Plan Text to be consistent with the amendment to the Land Use/Transportation Diagram (7-0-0).
GPT04-03-04 - District 3

12.5 Public Hearing on tentative approval of the General Plan amendment located on Winfield Boulevard from Coleman Road to Almaden Expressway and on McAbee Road between Almaden Expressway and Camden Avenue.

Memo From Vice Mayor Dando

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Recommendation: Public Hearing on and consideration of tentative approval of General Plan amendment request to change the Land Use/Transportation Diagram designation to remove the Minor Arterial (80-106 foot roadway) designation on Winfield Boulevard from Coleman Road to Almaden Expressway and change this segment of Winfield Boulevard to a local street, and to change the Land Use/Transportation Diagram designation of McAbee Road which forms the west leg of the Almaden Expressway/Winfield Boulevard intersection, from a four-lane Major Collector to a two-lane Major Collector between Almaden Expressway and Camden Avenue. (City of San Jose, Owner/Applicant). CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement made no recommendation, and Planning Commission recommended approval to change the Land Use/Transportation Diagram designation to remove the Minor Arterial (80-106 foot roadway) designation on Winfield Boulevard from Coleman Road to Almaden Expressway and change this segment of Winfield Boulevard to a local street, and change the Land Use/Transportation Diagram designation of McAbee Road, which forms the west leg of the Almaden Expressway/Winfield Boulevard intersection, from a four-lane Major Collector to a two-lane Major Collector between Almaden Expressway and Camden Avenue.
GP04-10-02 & GPT04-10-02 - District 10

12.6 Public Hearing on Tentative Approval of the following items located at the southwest corner of Jackson Avenue and McKee Road on a 34.4-acre site. (San Jose Health System, LP, Owner/ Applicant).

Recommendation: PUBLIC HEARING on and consideration of Tentative Approval of General Plan Amendment request to change the Land Use/Transportation Diagram designations from Medium High Density Residential (12-25 DU/AC) on 7.9 acres, Office on 4.7 acres, and Neighborhood/Community Commercial on 4.6 acres to Public/Quasi Public on 17.2 acres. CEQA: Resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval for Public/Quasi-Public on 17.2 acres (7-0-0).

GP03-05-10 - District 5

[Continued from 12/7/04 – 12.3(b)]

12.7 Adoption of a resolution approving all General Plan amendment actions taken on December 7 and December 14, 2004.

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on December 7 and December 14, 2004. (Planning, Building and Code Enforcement)

- **Open Forum**

- **Adjournment**

The meeting will be adjourned in memory of Katherine Boruff, Executive Director of PacSJ and wife of Paul Krutko, Director of Office of Economic Development and in memory of Dwight "Doc" Near.

The following resolutions were adopted (appropriation ordinances adopted) (ordinances passed for publication) at the Joint City Council/Redevelopment Agency meeting on Tuesday, date: